

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 39

**An Act to incorporate the Chipman Boom Company. Passed 11th April, 1864.**

Section.	Section.
1. Company incorporated.	10. Disputes respecting lumber to be settled by arbitration.
2. Capital.	11. Wilful injury to Boom, &c.; penalty.
3. First meeting, when held.	12. Assessments on shares, how collected; proviso.
4. First instalment, amount of, to whom paid.	13. Liability of stockholders; proviso.
5. Not to obstruct navigation of River.	14. Time within which Boom must be built.
6. Time Boom to be kept open.	15. Company not to interfere with private property without consent.
7. Tolls to be taken.	16. Lumber not marked to be sold at public auction; proceeds, how disposed of.
8. Company to have lien on lumber for tolls; extent of Boom.	17. Limit of Act.
9. Compensation for securing floating joints; proviso.	

Whereas the erection of a Boom or Booms at or near the public landing, Briggs' Corner, Salmon River, in the County of Queen's, will be a great benefit to persons engaged in the lumber business, by enabling them to secure timber, logs and other lumber floating down the said Salmon River, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That George W. Hoben, John Farris, Isaac C. Burpee, G. G. King, James Lloyd, S. F. Estabrooks, Anson Lunt, James Bennison, James Connors, Daniel Briggs, Stephen Briggs, John W. Goldfinch, Francis Fulton, William Lloyd, John Wilson, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The Chipman Boom Company," and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Boom or Booms and any other works on the shore connected therewith, at or near Daniel Briggs' on the Salmon River aforesaid, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said Salmon River, and for carrying on and managing the same.

2. The capital stock of the said Corporation shall be four thousand dollars current money of New Brunswick, and shall be divided into two hundred shares of twenty dollars each.

3. The first meeting of the Corporation shall be called by John Farris, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in the Royal Gazette, or by notices posted in three public places in the County of Queen's, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in said Corporation shall, previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first Section of this Act or the major part of them, or in case of the death of any of them, the major part of the survivors, shall appoint, such a deposit or instalment on the capital stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them, may determine and appoint, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Corporation, of the time or several periods of time when, and of the place and places where, and person or persons to whom the said instalment or deposit shall be paid; and the said instalment or deposit shall be taken and allowed to every subscriber who shall pay it as a part of the capital stock required to be paid in under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter; and no subscriber shall, upon any pretence whatsoever, vote at the first meeting for the choice of Directors upon any share or shares, unless he has paid the said deposit or instalment.

5. The Boom shall be so constructed as to admit the passage of joints of deals or logs not exceeding fifty feet in width, and to preserve the navigation of the river.

6. The said Corporation shall, and they are hereby required to keep the said Boom open and in order, to receive timber, logs and other lumber floating down the Salmon River, from the opening of the Spring and after the river is clear of ice, until the twentieth of October in each and every year during the continuance of this Act.

7. The said Corporation shall be entitled to receive a sum not exceeding five cents for each and every ton of timber, and a sum not exceeding ten cents per thousand for each and every thousand superficial feet of logs and other lumber which may come within the limits of said Boom, when rafted by the owners of the said lumber; and the said Corporation shall also be entitled to receive a sum not exceeding twenty cents per ton for each and every ton of timber, and a sum not exceeding fifty cents per thousand for each and every thousand superficial feet of logs and other lumber which they shall secure and raft in a substantial manner, with three good and sufficient boom poles, and put in good and sufficient joints, such as are usually made preparatory to their being put in large rafts for transportation to Saint John; spruce and pine to be rafted separately; such payments being in full for rafting and securing the said timber as aforesaid.

8. The said Corporation shall have a lien on all logs, timber or other lumber which may come within the limits of the said Boom, and also on all logs, timber or other lumber which may be rafted by said Corporation in joints fit to be carried to Saint John in the manner prescribed by the seventh Section of this Act, or which shall be carried into the said Boom by force of the current;

the limits of said Boom to extend as far up as Barney Campbell's Island, so called; and the Company shall have full power and authority to sell and dispose of so much of such timber, logs, masts, spars, or other lumber, on which they may have, by virtue of this Act, any lien, as may be necessary for realizing the amount due to the said Company, whether for boomage expenses or otherwise howsoever; provided that such sale shall be by public auction, and that ten days previous notice in writing of the time and place of such sale shall be first given to the owner of the said timber, logs, or other lumber; or the Corporation shall have power to sue for and recover the said boomage from the owner or owners of the said timber, logs, or other lumber, in any Court competent to try the same.

9. The said Corporation shall protect any floating joints or rafts of timber, logs or other lumber without men thereon, which may run into the said Boom or Booms by force of the current, or accident, or be caught therein, and shall be entitled to receive therefor at and after the rate of twenty cents for each and every joint of logs or other lumber; provided that the said Corporation shall not be entitled to receive for any such raft or joint a larger sum than one dollar.

10. All questions of difference or dispute of any kind relating to the quantity of timber, logs, or other lumber, or to the mode of rafting the same, shall be submitted to the award or arbitrament and determination of three persons indifferently chosen between the parties, one to be chosen by each party, and they two to choose the third arbitrator; the award and determination of them, or any two of them, shall be final and conclusive between the parties; which referees, or any two of them, shall also determine and award by whom and how the expenses of such reference shall be paid.

11. If any person or persons shall wilfully injure or destroy the said Boom, or any of the piers thereof, such person or persons so offending shall, upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of Queen's, forfeit and pay a sum not exceeding forty dollars, with costs of prosecution, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the offender or offenders; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for said Justices to issue their warrant to commit such offender or offenders to the common gaol of the County, there to remain without bail or mainprize for such period as may be specified in such warrant, not exceeding one day for every forty cents of such penalty.

12. The said Corporation shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Corporation; and whenever any such assessment shall be made by the stockholders of the Corporation, it shall be the duty of the Treasurer to give notice thereof by notices posted in three public places in the Parish where the Boom is situate, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fourteen days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest

bidder; and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made and delivered to the purchasers; provided always, that no assessment shall be made except by a vote of the stockholders and by a majority of all the shares.

13. The members and stockholders of the said Corporation shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of the said Corporation, or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder, in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

14. Unless a good and sufficient Boom for the purpose contemplated by this Act shall be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent, or the principal officer of the said Corporation, attested to by such agent or other principal officer before one of Her Majesty's Justices of the Peace, and which oath such Justice is hereby authorized to administer, shall be filed in the office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

15. Nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation, or any of their agents or servants, to enter in and upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof be first had and obtained in writing; and further provided, that the said Corporation shall be liable for all trespasses done or committed by the servants or agents of the said Corporation, in the, course of prosecuting the business or objects of the said Corporation, unless such consent as aforesaid has been previously had and obtained.

16. Any logs, timber or other lumber that may be found in the said Boom, upon which there is no mark, shall be taken care of by the said Corporation until the whole of the logs and lumber that shall come into the said Boom for the season shall have been rafted for the owners thereof; and all logs, timber or other lumber that shall then be found without having any mark thereon, shall be advertised for sale at public auction, for at least ten days, in two or more public places in the Parish, stating the time and place of such sale; and the proceeds of such sale, after deducting the expenses of rafting, boomage, and expenses of sale, shall be held by the said Company, shall within twenty days thereafter be divided amongst, and be paid to the owners of all lumber rafted by the said Company during the said year, up to the time of such sale, according to the quantity of lumber rafted by such Company for the respective owners thereof.

17. This Act shall continue and be in force for ten years, and no longer.